

**IN THE UNITED STATES DISTRICT COURT  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS**

COMPRESSION LABS, INC.,

Plaintiff,

-against-

1. DELL INC.,
2. INTERNATIONAL BUSINESS MACHINES CORPORATION,
3. TOSHIBA AMERICA, INC.,

C.A. No. 2-04-CV-159 (DF)

Defendants.

**SCHEDULING ORDER**

<u>EVENT</u>	<u>DATE</u>
Parties exchange initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1).	September 29, 2004
Plaintiff shall serve “Disclosure of Asserted Claims and Preliminary Infringement Contentions” (defined in the accompanying joint report) and supporting documents.	October 18, 2004
Each party shall simultaneously exchange a list of claim terms, phrases, or clauses which that party contends should be construed by the Court, and identify any claim element which that party contends should be governed by 35 U.S.C. §112(6).	November 17, 2004
Defendants shall serve “Preliminary Invalidity Contentions” (as defined in the accompanying joint report). However, Defendants oppose the mandatory disclosure of documents concurrent with the service of “Preliminary Invalidity Contentions.”	December 3, 2004
Parties shall exchange “Preliminary Claim Constructions and Extrinsic Evidence” (as defined in the accompanying joint report).	December 17, 2004

<u>EVENT</u>	<u>DATE</u>
Parties shall simultaneously exchange a preliminary identification of any testimony of percipient and expert witnesses they intend to offer in rebuttal to any testimony of percipient and expert witnesses that the other side identified they contend supports their claim construction. With respect to any such rebuttal witness, percipient or expert, the parties shall also provide a brief description of the substance of that witness' proposed testimony.	January 7, 2005
Deadline for parties to meet and confer regarding claim construction issues.	January 12, 2005
Deadline to complete all discovery relating to claim construction, including any depositions with respect to claim construction of any witness, including experts, identified by a party with their proposed claim constructions or as one of their rebuttal witnesses on claim construction.	January 26, 2005
Plaintiff to serve and file its Opening <i>Markman</i> Brief and any evidence supporting its proposed claim construction.	February 2, 2005
Defendants to serve and file their Opening <i>Markman</i> Brief(s) and Response(s) in Opposition to Plaintiff's Opening <i>Markman</i> Brief, and any evidence supporting its proposed claim construction.	March 2, 2005
Plaintiff to serve and file its Reply In Support of its <i>Markman</i> Brief and Response in Opposition to Defendants' Opening <i>Markman</i> Brief(s), and any evidence directly rebutting the supporting evidence contained in Defendants' Response(s).	March 16, 2005
Each Defendant to serve and file its Reply In Support of its <i>Markman</i> Brief, and any evidence directly rebutting the supporting evidence contained in Plaintiff's Response in Opposition to Defendant's Opening <i>Markman</i> Brief.	March 30, 2005
Technology Tutorial	April 6, 2005
Claim Construction Hearing 9:00 a.m. in Texarkana, Texas	April 7, 2005
Plaintiff shall serve updated, amended and/or modified "Disclosure of Asserted Claims and Infringement Contentions" in light of the court's ruling on claim construction.	15 days after entry of the court's ruling on claim construction
Defendants shall serve updated, amended and/or modified "Invalidity Contentions" in light of the court's ruling on claim construction.	30 days after entry of the court's ruling on claim construction
Parties to identify expert witnesses.	June 1, 2005
Close of Fact Discovery -- All discovery shall be commenced in time to be completed by this date.	June 15, 2005

<u>EVENT</u>	<u>DATE</u>
Deadline for service of expert reports by the party with the burden of proof on the claim or defense at issue.	June 15, 2005 or 45 days after entry of the court's claim construction ruling, whichever is later
Deadline for Mediation.	July 1, 2005
Deadline for service of rebuttal expert reports -- Rebuttal expert testimony shall mean expert testimony that is solely intended to contradict or rebut expert testimony on the same subject matter identified by another party pursuant to Fed. R. Civ. P. 26(a)(c) and Local Rule CV-26(b).	July 15, 2005 or 75 days after entry of the court's claim construction ruling, whichever is later
Close of Expert Discovery -- All expert discovery shall be commenced in time to be completed by this date.	August 1, 2005 or 92 days after entry of the court's ruling on claim construction, whichever is later
Parties to submit pretrial disclosures pursuant to Fed. R. Civ. P. 26(a)(3).	August 29, 2005
Parties to submit objections to pretrial disclosures pursuant to Fed. R. Civ. P. 26(a)(3).	September 12, 2005
Plaintiff to submit to Defendants its portions of Pretrial Order and Proposed Jury Instructions.	September 14, 2005
Parties to file motions <i>in limine</i> .	September 16, 2005
Defendants to submit to Plaintiff its portions of and revisions to the Pretrial Order, as well as Proposed Jury Instructions.	September 21, 2005
Deadline for parties to meet and confer regarding Joint Pretrial Order and Proposed Jury Instructions.	September 26, 2005
Submission of Joint Pretrial Order, Proposed Jury Instructions and Verdict Form.	September 28, 2005
Parties to file responses to motions <i>in limine</i> .	September 30, 2005
Final Pretrial Conference 9:00 a.m. in Marshall, Texas.	October ___, 2005
Jury Selection 9:00 a.m. in Marshall, Texas.	October, ___, 2005

SIGNED this \_\_\_\_ day of \_\_\_\_\_, 2004.

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HONORABLE DAVID FOLSOM  
UNITED STATES DISTRICT JUDGE